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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,472

12/05/2003

Yves Bellouard

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EXAMINER

JOYCE, WILLIAM C

ART UNIT

PAPER NUMBER

3682

MAIL DATE

DELIVERY MODE

06/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,472

Applicant(s)

BELLOUARD, YVES

Examiner

William C. Joyce

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 12-16, 18, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 17, 19, 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the First Office Action in response to the Election filed on March 2, 2007.

Election/Restrictions

1. Claims 12-16, 18, 20, and 21 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 2, 2007.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "connector has an adjustable length" (claim 7) and the "object" (claims 22 and 25) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The limitation "a remote center" is not fully understood as to the positioning of the "center" with respect to the claimed device. Referring to the specification, it appears applicant defines the remote center as a center of rotation that is outside the volume occupied by the positioning system (page 1 of the specification). In order to provide compact prosecution, the limitation remote center has been defined as noted on page 1 of the specification. It is suggested the claims be amended to positively define the limitation "remote center."

b. Claim 7, the limitation "the connector has an adjustable length" is not fully understood because the figures appear to show the connectors having a fixed length.

c. Claim 9, the limitation "the plurality of flexures" lacks proper antecedent basis.

d. Claim 22, the limitation "the remote center of rotation is located on a surface of the object" is not fully understood as to whether applicant intends to positively claim the object. In claim 19, and elsewhere, the "object" is functionally recited but claim 22 appears to positively recite the object. If applicant intends to positively recite the "object," the figures must be amended to illustrate the object. Appropriate correction is required.

d. Claim 25, the limitation "the section of the object is in a plane that rotates about the remote center of rotation..." is not fully understood as to whether applicant intends to positively claim "the object." In claim 24, and elsewhere, the "object" is functionally recited but claim 25 appears to positively recite the object. If applicant intends to positively recite the "object," the figures must be amended to illustrate the object. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 5, 6, 9, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayenberger (USP 6,290,196).

Mayenberger discloses a system for positioning an object by rotating the object about a remote center of rotation (11), the system comprising: a non-movable part (2)

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providing a stationary reference structure; a movable part (4) movable relative to the non-movable part; a connector (5, 15) coupled between the movable part and the object for positioning the object adjacent the remote center of rotation and for rotating the object about the remote center of rotation responsive to movement of the movable part, a movement of the connector being responsive to a movement of the movable part; a first force transmitting means (19) coupled to the movable part for moving the movable part and the connector in a first direction, wherein movement of the connector in the first direction rotates the object about a first axis passing through the remote center of rotation; and a second force transmitting means (19) coupled to the movable part for moving the movable part and the connector in a second direction, wherein movement of the connector in the second direction rotates the object about a second axis passing through the remote center of rotation. See column 4, lines 10-25 defining the positioning of the remote center.

7. Claims 1, 2, 5-7, 9, 19, 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Edelstein (USP 4,088,396).

Referring to Figure 2, Edelstein discloses a system for positioning an object by rotating the object about a remote center of rotation, the system comprising: a non-movable part (14) providing a stationary reference structure; a movable part (24) movable relative to the non-movable part; a connector (20) coupled between the movable part and the object for positioning the object adjacent the remote center of rotation and for rotating the object about the remote center of rotation responsive to

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movement of the movable part, a movement of the connector being responsive to a movement of the movable part; a first force transmitting means (60) coupled to the movable part for moving the movable part and the connector in a first direction, wherein movement of the connector in the first direction rotates the object about a first axis passing through the remote center of rotation; and a second force transmitting means (60) coupled to the movable part for moving the movable part and the connector in a second direction, wherein movement of the connector in the second direction rotates the object about a second axis passing through the remote center of rotation, wherein a plurality of flexures (106,108) can be disposed between the movable part and the non-movable part (Figures 10 and 12).

Allowable Subject Matter


8. Claims 3, 4, 8, 10-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William C. Joyce